

APPEAL NO. 040761
FILED MAY 26, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 5, 2004. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on _____, and that she had disability from August 18, 2003, through January 5, 2004. The appellant (self-insured) appeals, contending that the hearing officer's decision is not supported by the evidence and is against the great weight of the evidence. The claimant asserts that sufficient evidence supports the hearing officer's decision.

DECISION

Affirmed.

The claimant had the burden to prove that she sustained a compensable injury as defined by Section 401.011(10) and that she had disability as defined by Section 401.011(16). The claimant testified that she was injured when a patient she was caring for at work twice grabbed her and jerked her body. As a general rule, in workers' compensation cases the issues of injury and disability may be established by the testimony of the claimant. Houston General Insurance Company v. Pegues, 514 S.W.2d 492 (Tex. Civ. App.-Texarkana 1974, writ ref'd n.r.e.). We do not believe that the case before us is one that requires expert testimony based on reasonable medical probability to establish causation, as is contended by the self-insured. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's determinations that the claimant sustained a compensable injury and had disability for the time period found by the hearing officer are supported by the claimant's testimony and by the medical reports, and that those determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The self-insured notes that the hearing officer did not list in the decision the names of the witnesses who testified at the CCH nor the exhibits that were admitted. Section 410.168 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 142.16 (Rule 142.16), which address the requirements of a hearing officer's decision, do not require the hearing officer to list witnesses or exhibits in the decision. The hearing officer noted in his decision that his findings of fact and conclusions of law were based on all of the evidence presented. We perceive no error.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **STATE OFFICE OF RISK MANAGEMENT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

For service in person the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR
STATE OFFICE OF RISK MANAGEMENT
300 W. 15TH STREET
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR
AUSTIN, TEXAS 78701.**

For service by mail the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR
STATE OFFICE OF RISK MANAGEMENT
P.O. BOX 13777
AUSTIN, TEXAS 78711-3777.**

Robert W. Potts
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Margaret L. Turner
Appeals Judge